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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSE CHACON,

Defendant and Appellant.

E066905

(Super.Ct.No. FSB058896)

OPINION

APPEAL from the Superior Court of San Bernardino County. Katrina West,
Judge. Affirmed.

Jason L. Jones, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Jesse Chacon appeals from the superior court's denial of his petition under Penal Code¹ section 1170.18 to reduce to a misdemeanor his conviction for custodial possession of a weapon. (§4502, subd. (a)). We affirm.

FACTS AND PROCEDURE

Defendant was in local custody when a guard noticed defendant was holding his shirt in a suspicious way. The guard told defendant to shake out his shirt. Defendant moved his right hand out of the guard's sight behind the doorjamb. The guard looked behind the door jam and found a sharpened piece of metal. Defendant claimed he had found the metal outside in the yard and was on his way to turn it in.

On February 5, 2007, defendant pled no contest to custodial possession of a weapon. On March 7, 2007, the court placed defendant on probation for three years pursuant to the plea agreement.

On July 21, 2016, defendant filed with the superior court his petition under Proposition 47 for reduction to a misdemeanor his conviction for custodial possession of a weapon. The People responded that defendant is not entitled to the requested relief because the "convicted charge, PC4502(a), is not eligible per PC 1170.18." On August 26, 2016, the superior court denied the petition.

This appeal followed.

¹ Section references are to the Penal Code except where otherwise indicated.

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error in the court's denial of defendant's petition for resentencing.

DISPOSITION

The court's order is affirmed.

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RAMIREZ

P. J.

We concur:

MILLER

J.

SLOUGH

J.